



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 25, 2023

BY ECF

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Jonathan Gherter, 23 Cr. 100 (ER)

Dear Judge Ramos:

On September 19, 2023, the defendant filed a letter regarding the applicability of the forthcoming amendment to Section 4A1.1(d) United States Sentencing Guidelines (“U.S.S.G.” or “Guidelines”). (Dkt. 38). The Government agrees that, under the proposed new Section 4A1.1(e) of the November 2023 version of the Sentencing Guidelines manual, if it were in effect today, the two-point criminal history point enhancement under what is currently Section 4A1.1(d) would not apply. Accordingly, should the defendant agree not to seek a sentence modification pursuant to 18 U.S.C. § 3582(c)(2) based on Section 4A1.1 of the November 2023 (or later) version of the Sentencing Guidelines manual, the Government agrees that the Court should sentence the defendant as though as though the applicable Guidelines sentencing range is 78 to 97 months’ imprisonment, based on an Offense Level of 26 and Criminal History Category III.

The Government nevertheless stands by its original sentencing recommendation for the defendant of 115 months’ imprisonment. (Dkt. 37).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

by: /s/ Adam Sowlati

Adam Sowlati
Assistant United States Attorney
(212) 637-2438

Cc: Counsel of record, by ECF